

MINUTES OF THE MEETING OF

STATE BOARD OF REGISTRATION FOR PROFESSIONAL SURVEYORS

Friday, April 28, 2017 at 8:30 a.m.

Indiana Government Center South, Room W064
402 West Washington Street,
Indianapolis, Indiana

I. APPLICATION COMMITTEE MEETING **8:30 a.m.**

II. CALL TO ORDER & ESTABLISHMENT OF QUORUM **9:00 a.m.**

Board Members Present:

Christine Arnold (CA)
Ross Holloway (RH)
Gary Kent (GK)
Richard Hudson (RHudson)
Jason Henderson (JH)

Board Members Absent:

Mike DeBoy (MD)
Doug Lechner (DL)

Staff Members Present:

Amy Hall, Board Director
Rebecca Parker, Assistant Board Director
Gordon White- Advisory Council

III. ADOPTION OF AGENDA

Motion was made to **APPROVE** the agenda- RH/GK

Motion passed: 5/0/0

IV. ADOPTION OF THE MINUTES FROM FEBRUARY 10, 2016 MEETING

- Motion made to **APPROVE** (with corrections) – RH/GK

Motion passed: 5/0/0

V. REPORT FROM THE ATTORNEY GENERAL

- Mr. Colby Cus, Deputy Attorney General, gave the OAG report. There were 13 consumer complaints open at the beginning of 2017. 3 have been added this year. There are currently 16 consumer complaints open. The average age of the complaints is 6.41 months, with the oldest complaint opened 3/10/2016. There were 5 litigation cases open at the beginning of 2017. 3 have been closed so far this year. There are currently 2 open litigation cases. The average age of the complaints is 7.76 months.

VI. REPORT FROM THE BOARD LIAISON

- Gary Kent met with Matt Rayman of the Attorney General's Office to review Surveyor Rules.

VII. PROBATIONARY REPORTS

1. **J. Bernard Feeney:** RH – 2 reports were provided with no surveys.
2. **Ronald Morrison:** GK – 1 report provided with no surveys
3. **Jeffrey Kondy:** GK – 4 surveys submitted and reviewed/2 more appearances required.
4. **John Stuart Allen:** JH – requirements fulfilled. Recommendation to release him from probation.
5. **Michael Sadlon:** RH – 2 reports provided with no surveys.
6. **Stephen Williams:** renewed inactive no need to appear if no surveys performed.

VIII. ADMINISTRATIVE HEARINGS

9:33 a.m.

1. **Thomas J. Boofter** – CONTINUED
2. **Carlos Pedrazza** – CONTINUED

IX. PERSONAL APPEARANCE

1. **Bradley Fischer**- application for LS/Exam Explanation of Syllabus- Worked for RH doing boundary work; did design topos for USI; then for the last 12 years has done construction layout and some route work. He considered “boundary work” to be specific towards boundary, not associated with other work. He believes he has done 40% of his work in boundaries. He has no intention of and would be unethical for him to do boundary work because of his experience. Current employer does not even do boundary work; they hire others. GRK: We cannot grant a waiver to the Rule that requires 60% which would be of 6 years for him. The difference is 20% of 6 years, which is 1.2 years. He needs to get that additional. Ross: Maybe he should go back and review his experience (he said he had not given a lot of thought to that) and maybe his number is actually a bit higher. The board is bound by the law to make sure requirements are met. Remains **DENIED**.
2. **J. Stuart Allen** – **Requirement of probation have been met.**
Motion to accept probation fulfillment -JH/GK
APPROVED 5/0/0
3. **Jeff Kondy** – Mr. Kondy has submitted for survey reports which GK has reviewed. Per recommendation he will work on documentation before next meeting.

X. DISCUSSION

- A. **Andrew Churchill (AR)- Request for Topography Surveys to be more informative.**
He is an architect and has concern over some topos that he has been getting. Feels the standard of care is slipping and topos are not addressed in Rule 12. Can we make a rule that requires topos would have to be on a title block, and have a legend, north arrow, scale, certification and seal on a topo. Board discussion on that issue. RH suggested a meeting with the Engineers Board on this issue. Mr. Churchill would be happy to participate.
- B. **NCEES Delegates:** Motion to send DL and JH and Amy Hall to NCEES meeting. RH/GK.
Passed.
- C. **Implementation of Rule change** Implement of new education rule change. Discussed last time – asked if we could implement a phase in? Gordon had said probably not. Send a letter to the approve programs notifying them of the rule change and telling them we would be happy to review course content to see if it complies. Ross/Rich.
Passed.
 - Vis-à-vis the “fulltime employee” requirement of Rule 12, can a surveyor retire, work part-time and sign surveys for a company? See 865 IAC 1-12-3. Board agreed that a surveyor could work part-time working for a firm as long as there is a full-time surveyor working for the firm and the field persons working on the survey are full-time employees. What about a retired surveyor working for himself doing surveys off and on? The rule says he must be a full-time employee of the firm. Is he a fulltime employee if that is all he does in that “firm”? Gordon – what was the goal in adopting that language? Consensus that a sole proprietor is always on the clock and full-time, so it’s OK.
 - Does the use of drones to prepare topographic surveys by non-licensed individuals violate the definition of the practice of surveying? Ross: Acknowledging that engineers and architects and landscape architects can also do topos, if it is an unlicensed person, is it a violation. Gary has seen marketing materials that

essentially said “why hire a surveyor?” GK thinks we should address unlicensed practice and selling of surveying services, but it needs to be a nuanced response. Engineers meet 7/19 – RH and GK will attend to talk with them.

- CA went to a State meeting on running of boards to make them consistent. She said she thought we did better than most. New board members coming aboard will go through this training.
- Exam – Part B2 of the exam be offered quarterly at the Govt Center. GK/JH. Passed.

D. Gary Radtke: Settlement Question

GK pointed out that when someone agrees to a settlement, the bottom line of the agreement (incompetence) is what will go into the state’s database. Cannot change this. Motion: IPLA and staff have acted pursuant to the agency’s policies and procedures and nothing will be changed. RH/RHudson.

Motion passed 5/0/0

XI. PERMIT/LICENSURE APPLICATIONS

- 1. Christopher Jackson - LS/comity- APPROVED**
- 2. Jason Dee Waggoner -LS /comity-APPROVED**
- 3. Brandon Sanders -LS/comity-DENIED**
- 4. Christopher Clark -LS/comity-APPROVED**

XII ADJOURNMENT at 10:45 a.m.

Motion to adjourn- RH/GK

Motion passed 5/0/0